

REMARKS

Reconsideration of the rejections and objections of the claims is respectfully requested, in light of the claim amendments and the following remarks.

Claims 5-7 were rejected under 35 U.S.C. 112 as being indefinite, due to the wording “can be”. Claim 5 has been canceled. Claims 6 and 7 have been amended to add the structural limitation that the gutter is formed of a flexible plastic material which has a thickness that allows the gutter to be folded essentially flat. This new wording specifies that the gutter is formed of a flexible material, with the material characteristics and thickness providing the folding capability. The “can be” wording has been removed. It is submitted that claims 6 and 7, as amended, now overcome the rejection under 35 U.S.C. 112, and withdrawal of the rejection is respectfully requested.

Claims 1, 3 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Martin. Claim 1 has been amended to include all of the limitations of claim 2, which was indicated as allowable if rewritten in independent form. Claim 1 is now essentially claim 2, written in independent form, and should therefore be allowable. Claims 3 and 6 depend from claim 1 and should therefore likewise be allowable. Withdrawal of this rejection is therefore requested.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Olson. For the same reasons as stated in the preceding paragraph, claim 1 should now be allowable and this rejection is requested to be withdrawn.


Claims 3 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Olson. Again, due to the amendments to claim 1 as stated above, and with claims 3 and 6

depending from claim 1, it is believed that claims 3 and 6 are now allowable and withdrawal of the rejection thereof is respectfully requested.

New claim 8 is essentially old claims 1 and 6 combined. The examiner rejected claim 6 as being unpatentable over Olson, stating that Olson, being made of metal which is bendable, can obviously be folded. While it is agreed that a gutter, made of practically any material, can be folded flat if run over by a steam roller, such a concept of folding does not keep within the spirit of the present invention. The present invention provides a flexible gutter system that is capable of not only being folded flat for economical packaging and shipping, but is simply and easily unfolded back into gutter shape for installation onto a roof eaves. This simply would not be possible with the gutter of Olson. While Olson may be capable of being folded, in a loose meaning of the term folded, this "folded" gutter would only be useful for the aluminum recycling bin. It would be impossible to unfold and use this gutter for its intended use. The examiner also rejected claim 6 as being anticipated by Martin. While Martin does show one edge of his gutter having the ability to be folded flat for cleaning, the other edges are not foldable, and the entire gutter system could not be folded flat for shipping and then unfolded for installation. The present invention, however, does provide a flexible plastic gutter that can be simply folded flat and unfolded into gutter shape. This is an important feature over the prior art gutters. Packaging and shipping is a significant cost in the production of gutter systems. This cost is significantly reduced by the folding feature of the present invention, making this a patentable feature over the prior art. Reconsideration of the rejection of this feature over Martin or Olson is respectfully requested, and new claim 8 should therefore be allowable.

It is believed that all objections and rejections have been overcome by the preceding amendments to the claims and accompanying remarks. It is therefore requested that the claims be allowed and issuance of a patent on the present invention is respectfully requested.

Sincerely,



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